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Legislative History – Montana Session Law

Chapter: 66 Session L: 2011

Bill Number: HB 127

Checklist of Bill History

History and Final Status Sheet	☒
Introduced Bill	☒
Fiscal Note	☐
Third Reading Bill	☒
Final Version of Bill	☒

House	**Senate**
Committee: Business and Labor	Committee: Business, Labor, and Economic Affairs
Hearing Date(s): 01/18/2011	Hearing Date(s): 02/10/2011
Committee Report: Bill passed	Committee Report: Bill Concurred

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: Charlotty Herman

Date: 08/07/2026

Notes: No conference committee or fiscal note.

(2) [Section 20] is intended to be codified as an integral part of Title 19, chapter 17, part 4, and the provisions of Title 19, chapter 17, part 4, apply to [section 20].

(3) [Sections 25 through 27] are intended to be codified as an integral part of Title 19, chapter 17, and the provisions of Title 19, chapter 17, apply to [sections 25 through 27].

Section 31. Effective date. [This act] is effective July 1, 2011.

Approved March 25, 2011

CHAPTER NO. 65

[HB 120]

AN ACT REVISING THE LAW CONCERNING MINUTES FOR PUBLIC MEETINGS; CLARIFYING THAT AN OFFICIAL AUDIO RECORDING OF A PUBLIC MEETING CONSTITUTES THE OFFICIAL RECORD OF THE PUBLIC MEETING IF DESIGNATED AS OFFICIAL; REQUIRING A WRITTEN RECORD CONTAINING CERTAIN INFORMATION FOR A PUBLIC MEETING IF AUDIO MINUTES ARE DESIGNATED AS OFFICIAL MINUTES; AND AMENDING SECTION 2-3-212, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-3-212, MCA, is amended to read:

"2-3-212. Minutes of meetings — public inspection. (1) Appropriate minutes of all meetings required by 2-3-203 to be open ~~shall~~ *must* be kept and ~~shall~~ *must* be available for inspection by the public. *If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).*

(2) ~~Such minutes shall~~ *Minutes must* include without limitation:

(a) *the* date, time, and place of *the* meeting;

(b) a list of the individual members of the public body, agency, or organization *who were* in attendance;

(c) the substance of all matters proposed, discussed, or decided; ~~and~~ *and*

(d) at the request of any member, a record *of votes* by individual members ~~of~~ *for* any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting."

Approved March 25, 2011

CHAPTER NO. 66

[HB 127]

AN ACT GENERALLY REVISING GAMBLING LAWS; REVISING BINGO LAWS; REVISING VIDEO GAMBLING MACHINE LAWS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 23-5-112, 23-5-412, AND 23-5-608, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-5-112, MCA, is amended to read:

"23-5-112. Definitions. Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Associated gambling business" means a person who provides a service or product to a licensed gambling business and who:

(a) has a reason to possess or maintain control over gambling devices;

(b) has access to proprietary information or gambling tax information; or

(c) is a party in processing gambling transactions.

(4) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(5) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One or more numbers may appear in each square, except for the center square, which may be considered a free play. Numbers must be randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(6) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(7) "Bingo session" means all activities incidental to a series of bingo games conducted by a licensed operator beginning when the first bingo ball is drawn in the first game of bingo.

~~(7)~~*(8)* "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

~~(8)~~*(9)* "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

~~(9)~~*(10)* "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

~~(10)~~*(11)* "Department" means the department of justice.

~~(11)~~*(12)* "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, ~~or~~ route operator*, or operator* equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed *manufacturer,* distributor, route operator, or operator.

~~(12)~~*(13)* (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1.

(c) The term does not include social card games played solely for prizes of minimal value, defined as class I gaming by 25 U.S.C. 2703.

~~(13)~~*(14)* "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

~~(14)~~*(15)* "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

~~(15)~~*(16)* (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;

(ii) a promotional game of chance; or

(iii) an amusement game regulated under Title 23, chapter 6.

~~(16)~~*(17)* "Gross proceeds" means gross revenue received less prizes paid out.

~~(17)~~*(18)* "House player" means a person participating in a card game who has a financial relationship with the operator, card room contractor, or dealer or who has received money or chips from the operator, card room contractor, or dealer to participate in a card game.

~~(18)~~*(19)* "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, ~~or~~ under part 5 of this chapter*, in a bingo game approved by the department under part 4 of this chapter,* or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine, except as provided in 23-5-153.

~~(19)~~*(20)* "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;

(c) sports betting, by whatever name known, in which a person places a wager on the outcome of an athletic event, including bookmaking, parlay bets, or

sultan sports cards, but not including those activities authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;

(d) credit gambling; and

(e) internet gambling.

~~(20)~~*(21)* (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include the operation of a simulcast facility or advance deposit wagering with a licensed advance deposit wagering hub operator allowed by Title 23, chapter 4, or the state lottery provided for in Title 23, chapter 7. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

~~(21)~~*(22)* "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

~~(22)~~*(23)* "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

~~(23)~~*(24)* "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

~~(24)~~*(25)* "Licensee" means a person who has received a license from the department.

~~(25)~~*(26)* "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

~~(26)~~*(27)* (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

~~(27)~~*(28)* "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator; ~~or~~

(b) possesses gambling devices or components of gambling devices for the purpose of testing them*; or*

(c) purchases gambling devices or components from licensed manufacturers, distributors, route operators, or operators as trade-ins or to refurbish, rebuild, or

repair to sell to licensed manufacturers, distributors, route operators, or operators.

~~(28)~~*(29)* "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established to support charitable activities, scholarships or educational grants, or community service projects.

~~(29)~~*(30)* "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

~~(30)~~*(31)* "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

~~(31)~~*(32)* "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

~~(32)~~*(33)* "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

~~(33)~~*(34)* "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

~~(34)~~*(35)* "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

~~(35)~~*(36)* "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

~~(36)~~*(37)* "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises *and may sell gambling equipment to a distributor or manufacturer*.

~~(37)~~*(38)* "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide

living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

~~(38)~~*(39)* (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

~~(39)~~*(40)* "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-412, MCA, is amended to read:

"23-5-412. Card prices and prizes — exception. (1) Except as provided in subsection ~~(3)~~ *(2)*:

(a) the price for an individual ~~bingo or~~ keno card may not exceed 50 cents; *and*

(b) a prize may not exceed the value of $100 for each individual ~~bingo game or~~ keno card~~; and~~

~~(c) it is unlawful to, in any manner, combine any bingo or keno games so as to increase the ultimate value of the prize~~.

~~(2) Bingo and keno prizes may be paid in either tangible personal property or cash.~~

~~(3) (a)~~*(2)* A variation of the game of keno, as approved by the department, in which a player selects three or more numbers and places a wager on various combinations of these numbers is permissible if:

~~(i)~~*(a)* no more than 50 cents is wagered on each combination of numbers; and

~~(ii)~~*(b)* a winning combination does not pay more than $100.

~~(b) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:~~

~~(i) no more than 50 cents is wagered on each bingo pattern; and~~

~~(ii) a winning pattern does not pay more than $100.~~

~~(4) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.~~

~~(5)~~*(3)* A player may give a keno caller a card with instructions on the card to play that card and its marked numbers for up to the number of successive games that the house allows and that the player has indicated on the card, upon payment of the price per game times the number of successive games indicated. The player shall remain on the house premises until the card is played or withdrawn. The caller shall keep the card until the end of the number of games indicated, and the department may by rule provide that at that time the caller shall pay the player any prizes won.

(4) A bingo session must last at least 2 consecutive hours or 20 or more consecutive bingo games. A bingo session may not begin less than 2 hours after the conclusion of a prior session conducted on the same premises.

(5) Except as provided in subsections (6), (7), and (9):

(a) the price for an individual bingo card may not exceed $1;

(b) a prize may not exceed the value of $800 for each individual bingo game, and total bingo prize payouts may not exceed $3,000 during a bingo session.

(6) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:

(a) no more than 50 cents is wagered on each bingo pattern; and

(b) a winning pattern does not pay more than $100.

(7) Subject to the department's approval, an operator licensed to conduct live bingo games may conduct up to five special bingo sessions a year, in which a bingo prize may not exceed the value of $800 and the total bingo prize payouts may not exceed $5,000 during the special bingo session. At least 30 days must elapse between the conclusion of one special bingo session and the beginning of the next special bingo session. Before the start of a special bingo session, the operator shall submit to the department an application for a special bingo session event permit. The application must be accompanied by a $10 fee, which the department shall retain for administrative purposes. An exempt charitable organization under 23-5-406 that offers live bingo activities is not eligible for a special bingo session event permit.

(8) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.

(9) An exempt charitable organization under 23-5-406 that conducts live bingo activities at a place other than its main premises or place of operations:

(a) is not limited to a maximum per-session prize payout limit;

(b) may not charge more than 50 cents for an individual bingo card; and

(c) may not award a bingo prize that exceeds $100 in value.

~~(6)~~*(10)* If a licensed operator conducts a promotional game of chance involving bingo or keno, the *value of the* prize ~~limit provided for in subsection (1) applies to prizes~~ awarded as a result of the promotional game of chance *may not exceed $100*.

(11) It is unlawful to combine, in any manner, any bingo or keno games so as to increase the ultimate value of the prize. Bingo and keno prizes may be paid in either tangible personal property or cash or in any combination of tangible personal property and cash."

Section 3. Section 23-5-608, MCA, is amended to read:

"23-5-608. Limitation on amount of money played and value of prizes — payment of credits in cash — *ticket voucher expiration* — *rules.* (1) A video gambling machine may not allow more than $2 to be played on a game or award free games or credits in excess of the following amounts:

(a) $800 a game for a video draw poker machine; and

(b) $800 a game for a video keno or bingo machine.

(2) A licensee shall pay in cash all credits owed to a player as shown on a valid ticket voucher.

(3) The department may establish by rule a reasonable time period during which a player shall present a valid ticket voucher to the licensee for payment before the voucher may be considered expired and invalid."

Approved March 25, 2011

CHAPTER NO. 67

[HB 169]

AN ACT REPEALING THE ELECTRICITY BUYING COOPERATIVE ACT; AMENDING SECTION 35-19-311, MCA; REPEALING SECTIONS 35-19-101, 35-19-102, 35-19-104, 35-19-105, 35-19-106, 35-19-107, 35-19-108, 35-19-201, 35-19-202, 35-19-203, 35-19-204, 35-19-205, 35-19-301, 35-19-302, 35-19-303, 35-19-304, 35-19-305, 35-19-306, 35-19-307, 35-19-308, 35-19-309, 35-19-310, 35-19-311, 35-19-312, 35-19-313, 35-19-314, AND 35-19-315, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 35-19-311, MCA, is amended to read:

"35-19-311. Refunds to members — retention of unclaimed refunds. (1) Revenue of a buying cooperative for any fiscal year must~~, unless otherwise determined by a vote of the members,~~ be distributed by the buying cooperative to its members as patronage refunds, prorated in accordance with the patronage of the buying cooperative by the respective members paid for during the fiscal year, whenever the revenue exceeds the amount necessary to:

(a) defray expenses of the buying cooperative and of the operation and maintenance of its facilities during the fiscal year;

(b) pay interest and principal obligations of the buying cooperative coming due in the fiscal year;

~~(c) finance or provide a reserve for the financing of the construction or acquisition by the buying cooperative of additional facilities to the extent determined by the board of trustees;~~

~~(d)~~*(c)* provide a reasonable reserve for working capital; and

~~(e)~~*(d)* provide a reserve for the payment of indebtedness of the buying cooperative maturing more than 1 year after the date of the incurrence of the indebtedness in an amount not less than the total of the interest and principal payments required to be made during the next fiscal year.

(2) This section may not be construed to prohibit the payment by a buying cooperative of all or any part of its indebtedness prior to the date when the payment becomes due.

(3) ~~A buying cooperative shall, upon the action of the board of trustees, retain redeemed patronage refunds that are allocated to its members and that remain unclaimed for a period of 5 years after the end of the year in which the refunds are given. Unclaimed redeemed patronage refunds retained by the buying cooperative must be used for educational purposes~~ *If a buying cooperative possesses redeemed patronage refunds, those funds must be distributed to members by December 31, 2011.*"

Section 2. Repealer. (1) The following sections of the Montana Code Annotated are repealed:

35-19-101. Short title.

35-19-102. Definitions.

HB 523 143
HB 525 330
HB 528 165
HB 529 215
HB 530 331
HB 533 332
HB 535 216
HB 536 113
HB 538 253
HB 541 254
HB 543 333
HB 547 173
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HB 559 334
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HB 561 375
HB 562 376
HB 565 377
HB 566 174
HB 568 144
HB 573 114
HB 575 186
HB 584 231
HB 587 335
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HB 621 378
HB 622 339
HB 627 307
HB 638 308
HB 641 379
HB 642 380

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Ch. 25	HB 182
Ch. 26	SB 63
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Ch. 35	HB 263
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Ch. 37	SB 26
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Ch. 75	HB 419
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Ch. 77	SB 203
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Ch. 79	SB 256
Ch. 80	SB 258
Ch. 81	SB 289
Ch. 82	SB 335
Ch. 83	HB 28
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Ch. 87	HB 126
Ch. 88	HB 181
Ch. 89	HB 255
Ch. 90	HB 426
Ch. 91	SB 32
Ch. 92	SB 34
Ch. 93	SB 38
Ch. 94	SB 47
Ch. 95	SB 67
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Ch. 98	SB 342
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Ch. 142	HB 517
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Ch. 144	HB 568
Ch. 145	HB 422
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Ch. 148	HB 77
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Ch. 152	HB 123
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Ch. 155	HB 135
Ch. 156	HB 185

3/18	COMMITTEE REPORT—CONCURRED AS AMD		
3/21	2ND READING CONCURRED	45	5
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	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING SENATE AMDS CONCURRED	97	3
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4/05	SENT TO ENROLLING		
4/06	RETURNED FROM ENROLLING		
4/08	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
4/20	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 227		
	EFFECTIVE DATE: 4/20/2011 - ALL SECTIONS		

HB 126 INTRODUCED BY KR. HANSEN *LC0392 DRAFTER: NISS*

AMEND YOUTH COURT ACT TO CLARIFY SENTENCING AUTHORITY

BY REQUEST OF DEPARTMENT OF JUSTICE

12/15	INTRODUCED		
12/22	REFERRED TO JUDICIARY		
1/12	HEARING		
1/20	COMMITTEE EXEC ACTION—BILL PASSED AS AMENDED	19	1
1/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/22	2ND READING PASSED	99	0
1/24	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
2/04	REFERRED TO JUDICIARY		
3/07	HEARING		
3/07	COMMITTEE EXEC ACTION—CONCURRED AS AMD	12	0
3/07	COMMITTEE REPORT—CONCURRED AS AMD		
3/09	2ND READING CONCURRED	50	0
3/10	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE WITH AMENDMENTS		
3/15	2ND READING SENATE AMDS CONCURRED	99	0
3/16	3RD READING PASSED AS AMENDED BY SENATE	93	0
3/16	SENT TO ENROLLING		
3/17	RETURNED FROM ENROLLING		
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/30	SIGNED BY GOVERNOR		
3/30	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 87		
	EFFECTIVE DATE: 10/01/2011 - ALL SECTIONS		

HB 127 INTRODUCED BY P. NOONAN *LC0396 DRAFTER: LANE*

GENERALLY REVISE GAMBLING LAWS

BY REQUEST OF DEPARTMENT OF JUSTICE

12/15	INTRODUCED		
12/22	REFERRED TO BUSINESS AND LABOR		
1/18	HEARING		
1/18	COMMITTEE EXEC ACTION—BILL PASSED	21	0
1/18	COMMITTEE REPORT—BILL PASSED		
1/19	2ND READING PASSED	85	15
1/20	3RD READING PASSED	84	16
	TRANSMITTED TO SENATE		
2/02	REFERRED TO BUSINESS, LABOR, AND ECONOMIC AFFAIRS		
2/10	HEARING		
3/04	COMMITTEE EXEC ACTION—BILL CONCURRED	11	0
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	36	13
3/11	3RD READING CONCURRED	34	15
	RETURNED TO HOUSE		
3/11	SENT TO ENROLLING		
3/14	RETURNED FROM ENROLLING		

3/17 SIGNED BY SPEAKER
3/17 SIGNED BY PRESIDENT
3/17 TRANSMITTED TO GOVERNOR
3/25 SIGNED BY GOVERNOR
3/25 CHAPTER NUMBER ASSIGNED
CHAPTER NUMBER 66
EFFECTIVE DATE: 10/01/2011 - ALL SECTIONS

HB 128 INTRODUCED BY P. NOONAN *LC0271 DRAFTER: MURDO*

REVISE HEALTH INSURANCE LAWS

BY REQUEST OF STATE AUDITOR

12/15 FISCAL NOTE PROBABLE
12/15 INTRODUCED
12/20 FISCAL NOTE REQUESTED
12/22 REFERRED TO BUSINESS AND LABOR
1/10 FISCAL NOTE RECEIVED
1/12 FISCAL NOTE PRINTED
2/03 HEARING
2/16 TABLED IN COMMITTEE
2/24 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
DIED IN STANDING COMMITTEE

HB 129 INTRODUCED BY MACLAREN *LC0272 DRAFTER: MURDO*

CREATE STATE-LEVEL EXTERNAL REVIEW PROCESS FOR HEALTH INSURANCE

BY REQUEST OF STATE AUDITOR

12/15 FISCAL NOTE PROBABLE
12/15 INTRODUCED
12/20 FISCAL NOTE REQUESTED
12/22 REFERRED TO HUMAN SERVICES
1/10 FISCAL NOTE RECEIVED
1/12 FISCAL NOTE PRINTED
1/13 REVISED FISCAL NOTE RECEIVED
1/13 REVISED FISCAL NOTE PRINTED
1/17 HEARING
1/20 TABLED IN COMMITTEE
2/24 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
DIED IN STANDING COMMITTEE

HB 130 INTRODUCED BY INGRAHAM *LC0460 DRAFTER: WEISS*

EXPAND TYPES OF ELECTIONS TO BE CONDUCTED BY MAIL BALLOT ELECTIONS

BY REQUEST OF SECRETARY OF STATE

12/08 FISCAL NOTE PROBABLE
12/15 INTRODUCED
12/20 FISCAL NOTE REQUESTED
12/22 REFERRED TO STATE ADMINISTRATION
1/12 FISCAL NOTE RECEIVED
1/12 FISCAL NOTE SIGNED
1/13 FISCAL NOTE PRINTED
1/19 HEARING
1/24 COMMITTEE EXEC ACTION—BILL PASSED 12 6
1/24 COMMITTEE REPORT—BILL PASSED
1/27 2ND READING PASSED AS AMENDED 57 43
1/28 3RD READING FAILED 42 57
2/24 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
DIED IN PROCESS

HB 131 INTRODUCED BY MENAHAN *LC0159 DRAFTER: WEISS*

CLARIFY RESPONSIBILITIES FOR EXPENSE RECOVERY REL TO ORPHAN HAZARDOUS MATERIALS

BY REQUEST OF DEPARTMENT OF MILITARY AFFAIRS

6/29 FISCAL NOTE PROBABLE
12/15 INTRODUCED
12/20 FISCAL NOTE REQUESTED
12/22 REFERRED TO STATE ADMINISTRATION
1/04 FISCAL NOTE RECEIVED

HOUSE BILL NO. 127

INTRODUCED BY P. NOONAN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING GAMBLING LAWS; REVISING BINGO LAWS; REVISING VIDEO GAMBLING MACHINE LAWS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 23-5-112, 23-5-412, AND 23-5-608, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-112, MCA, is amended to read:

"23-5-112. Definitions. Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Associated gambling business" means a person who provides a service or product to a licensed gambling business and who:

(a) has a reason to possess or maintain control over gambling devices;

(b) has access to proprietary information or gambling tax information; or

(c) is a party in processing gambling transactions.

(4) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(5) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One or more numbers may appear in each square, except for the center square, which may be considered a free play. Numbers must be randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(6) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(7) "Bingo session" means all activities incidental to a series of bingo games conducted by a licensed operator beginning when the first bingo ball is drawn in the first game of bingo.

~~(7)~~(8) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

~~(8)~~(9) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

~~(9)~~(10) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

~~(10)~~(11) "Department" means the department of justice.

~~(11)~~(12) "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, ~~or~~ route operator, or operator equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed manufacturer, distributor, route operator, or operator.

~~(12)~~(13) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1.

(c) The term does not include social card games played solely for prizes of minimal value, defined as class I gaming by 25 U.S.C. 2703.

~~(13)~~(14) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

~~(14)~~(15) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

~~(15)~~(16) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property

to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;

(ii) a promotional game of chance; or

(iii) an amusement game regulated under Title 23, chapter 6.

~~(16)~~(17) "Gross proceeds" means gross revenue received less prizes paid out.

~~(17)~~(18) "House player" means a person participating in a card game who has a financial relationship with the operator, card room contractor, or dealer or who has received money or chips from the operator, card room contractor, or dealer to participate in a card game.

~~(18)~~(19) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, ~~or~~ under part 5 of this chapter, in a bingo game approved by the department under part 4 of this chapter, or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine, except as provided in 23-5-153.

~~(19)~~(20) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;

(c) sports betting, by whatever name known, in which a person places a wager on the outcome of an athletic event, including bookmaking, parlay bets, or sultan sports cards, but not including those activities authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;

(d) credit gambling; and

(e) internet gambling.

~~(20)~~(21) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include the operation of a simulcast facility or advance deposit wagering with a licensed advance deposit wagering hub operator allowed by Title 23, chapter 4, or the state lottery provided for in Title 23, chapter 7. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

~~(21)~~(22) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

~~(22)~~(23) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

~~(23)~~(24) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

~~(24)~~(25) "Licensee" means a person who has received a license from the department.

~~(25)~~(26) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

~~(26)~~(27) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

~~(27)~~(28) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment

of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator; ~~or~~

(b) possesses gambling devices or components of gambling devices for the purpose of testing them; or

(c) purchases gambling devices or components from licensed manufacturers, distributors, route operators, or operators as trade-ins or to refurbish, rebuild, or repair to sell to licensed manufacturers, distributors, route operators, or operators.

~~(28)~~(29) "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established to support charitable activities, scholarships or educational grants, or community service projects.

~~(29)~~(30) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

~~(30)~~(31) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

~~(31)~~(32) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

~~(32)~~(33) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

~~(33)~~(34) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

~~(34)~~(35) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

~~(35)~~(36) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

~~(36)~~(37) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises and may sell gambling equipment to a distributor or manufacturer.

~~(37)~~(38) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

~~(38)~~(39) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

~~(39)~~(40) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-412, MCA, is amended to read:

"23-5-412. Card prices and prizes -- exception. (1) Except as provided in subsection ~~(3)~~ (2):

(a) the price for an individual ~~bingo or~~ keno card may not exceed 50 cents; and

(b) a prize may not exceed the value of $100 for each individual ~~bingo game or~~ keno card~~; and~~

~~(c) it is unlawful to, in any manner, combine any bingo or keno games so as to increase the ultimate~~

~~value of the prize~~.

~~(2) Bingo and keno prizes may be paid in either tangible personal property or cash.~~

~~(3) (a)~~(2) A variation of the game of keno, as approved by the department, in which a player selects three or more numbers and places a wager on various combinations of these numbers is permissible if:

~~(i)~~(a) no more than 50 cents is wagered on each combination of numbers; and

~~(ii)~~(b) a winning combination does not pay more than $100.

~~(b) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:~~

~~(i) no more than 50 cents is wagered on each bingo pattern; and~~

~~(ii) a winning pattern does not pay more than $100.~~

~~(4) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.~~

~~(5)~~(3) A player may give a keno caller a card with instructions on the card to play that card and its marked numbers for up to the number of successive games that the house allows and that the player has indicated on the card, upon payment of the price per game times the number of successive games indicated. The player shall remain on the house premises until the card is played or withdrawn. The caller shall keep the card until the end of the number of games indicated, and the department may by rule provide that at that time the caller shall pay the player any prizes won.

(4) A bingo session must last at least 2 consecutive hours or 20 or more consecutive bingo games. A bingo session may not begin less than 2 hours after the conclusion of a prior session conducted on the same premises.

(5) Except as provided in subsections (6), (7), and (9):

(a) the price for an individual bingo card may not exceed $1;

(b) a prize may not exceed the value of $800 for each individual bingo game, and total bingo prize payouts may not exceed $3,000 during a bingo session.

(6) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:

(a) no more than 50 cents is wagered on each bingo pattern; and

(b) a winning pattern does not pay more than $100.

(7) Subject to the department's approval, an operator licensed to conduct live bingo games may conduct up to five special bingo sessions a year, in which a bingo prize may not exceed the value of $800 and the total bingo prize payouts may not exceed $5,000 during the special bingo session. At least 30 days must elapse between the conclusion of one special bingo session and the beginning of the next special bingo session. Before the start of a special bingo session, the operator shall submit to the department an application for a special bingo session event permit. The application must be accompanied by a $10 fee, which the department shall retain for administrative purposes. An exempt charitable organization under 23-5-406 that offers live bingo activities is not eligible for a special bingo session event permit.

(8) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.

(9) An exempt charitable organization under 23-5-406 that conducts live bingo activities at a place other than its main premises or place of operations:

(a) is not limited to a maximum per-session prize payout limit;

(b) may not charge more than 50 cents for an individual bingo card; and

(c) may not award a bingo prize that exceeds $100 in value.

~~(6)~~(10) If a licensed operator conducts a promotional game of chance involving bingo or keno, the value of the prize ~~limit provided for in subsection (1) applies to prizes~~ awarded as a result of the promotional game of chance may not exceed $100.

(11) It is unlawful to combine, in any manner, any bingo or keno games so as to increase the ultimate value of the prize. Bingo and keno prizes may be paid in either tangible personal property or cash or in any combination of tangible personal property and cash."

Section 3. Section 23-5-608, MCA, is amended to read:

"23-5-608. Limitation on amount of money played and value of prizes -- payment of credits in cash -- ticket voucher expiration -- rules. (1) A video gambling machine may not allow more than $2 to be played on a game or award free games or credits in excess of the following amounts:

(a) $800 a game for a video draw poker machine; and

(b) $800 a game for a video keno or bingo machine.

(2) A licensee shall pay in cash all credits owed to a player as shown on a valid ticket voucher.

(3) The department may establish by rule a reasonable time period during which a player shall present a valid ticket voucher to the licensee for payment before the voucher may be considered expired and invalid."

- END -

AN ACT GENERALLY REVISING GAMBLING LAWS; REVISING BINGO LAWS; REVISING VIDEO GAMBLING MACHINE LAWS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 23-5-112, 23-5-412, AND 23-5-608, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-112, MCA, is amended to read:

"23-5-112. Definitions. Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Associated gambling business" means a person who provides a service or product to a licensed gambling business and who:

(a) has a reason to possess or maintain control over gambling devices;

(b) has access to proprietary information or gambling tax information; or

(c) is a party in processing gambling transactions.

(4) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(5) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One or more numbers may appear in each square, except for the center square, which may be considered a free play. Numbers must be randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(6) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(7) "Bingo session" means all activities incidental to a series of bingo games conducted by a licensed operator beginning when the first bingo ball is drawn in the first game of bingo.

~~(7)~~(8) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

~~(8)~~(9) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

~~(9)~~(10) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

~~(10)~~(11) "Department" means the department of justice.

~~(11)~~(12) "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, ~~or~~ route operator, or operator equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed manufacturer, distributor, route operator, or operator.

~~(12)~~(13) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1.

(c) The term does not include social card games played solely for prizes of minimal value, defined as class I gaming by 25 U.S.C. 2703.

~~(13)~~(14) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

~~(14)~~(15) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

~~(15)~~(16) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;

(ii) a promotional game of chance; or

(iii) an amusement game regulated under Title 23, chapter 6.

~~(16)~~(17) "Gross proceeds" means gross revenue received less prizes paid out.

~~(17)~~(18) "House player" means a person participating in a card game who has a financial relationship with the operator, card room contractor, or dealer or who has received money or chips from the operator, card room contractor, or dealer to participate in a card game.

~~(18)~~(19) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, ~~or~~ under part 5 of this chapter, in a bingo game approved by the department under part 4 of this chapter, or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine, except as provided in 23-5-153.

~~(19)~~(20) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;

(c) sports betting, by whatever name known, in which a person places a wager on the outcome of an

athletic event, including bookmaking, parlay bets, or sultan sports cards, but not including those activities authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;

(d) credit gambling; and

(e) internet gambling.

~~(20)~~(21) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include the operation of a simulcast facility or advance deposit wagering with a licensed advance deposit wagering hub operator allowed by Title 23, chapter 4, or the state lottery provided for in Title 23, chapter 7. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

~~(21)~~(22) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

~~(22)~~(23) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

~~(23)~~(24) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

~~(24)~~(25) "Licensee" means a person who has received a license from the department.

~~(25)~~(26) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

~~(26)~~(27) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

~~(27)~~(28) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator; ~~or~~

(b) possesses gambling devices or components of gambling devices for the purpose of testing them; or

(c) purchases gambling devices or components from licensed manufacturers, distributors, route operators, or operators as trade-ins or to refurbish, rebuild, or repair to sell to licensed manufacturers, distributors, route operators, or operators.

~~(28)~~(29) "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established to support charitable activities, scholarships or educational grants, or community service projects.

~~(29)~~(30) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

~~(30)~~(31) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

~~(31)~~(32) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

~~(32)~~(33) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

~~(33)~~(34) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

~~(34)~~(35) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

~~(35)~~(36) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

~~(36)~~(37) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises and may sell gambling equipment to a distributor or manufacturer.

~~(37)~~(38) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

~~(38)~~(39) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

~~(39)~~(40) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-412, MCA, is amended to read:

"23-5-412. Card prices and prizes -- exception. (1) Except as provided in subsection ~~(3)~~ (2):

(a) the price for an individual ~~bingo or~~ keno card may not exceed 50 cents; and

(b) a prize may not exceed the value of $100 for each individual ~~bingo game or~~ keno card~~; and~~

~~(c) it is unlawful to, in any manner, combine any bingo or keno games so as to increase the ultimate value of the prize~~.

~~(2) Bingo and keno prizes may be paid in either tangible personal property or cash.~~

~~(3) (a)~~(2) A variation of the game of keno, as approved by the department, in which a player selects three or more numbers and places a wager on various combinations of these numbers is permissible if:

~~(i)~~(a) no more than 50 cents is wagered on each combination of numbers; and

~~(ii)~~(b) a winning combination does not pay more than $100.

~~(b) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:~~

~~(i) no more than 50 cents is wagered on each bingo pattern; and~~

~~(ii) a winning pattern does not pay more than $100.~~

~~(4) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.~~

~~(5)~~(3) A player may give a keno caller a card with instructions on the card to play that card and its marked numbers for up to the number of successive games that the house allows and that the player has indicated on the card, upon payment of the price per game times the number of successive games indicated. The player shall remain on the house premises until the card is played or withdrawn. The caller shall keep the card until the end of the number of games indicated, and the department may by rule provide that at that time the caller shall pay the player any prizes won.

(4) A bingo session must last at least 2 consecutive hours or 20 or more consecutive bingo games. A bingo session may not begin less than 2 hours after the conclusion of a prior session conducted on the same premises.

(5) Except as provided in subsections (6), (7), and (9):

(a) the price for an individual bingo card may not exceed $1;

(b) a prize may not exceed the value of $800 for each individual bingo game, and total bingo prize payouts may not exceed $3,000 during a bingo session.

(6) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:

(a) no more than 50 cents is wagered on each bingo pattern; and

(b) a winning pattern does not pay more than $100.

(7) Subject to the department's approval, an operator licensed to conduct live bingo games may conduct up to five special bingo sessions a year, in which a bingo prize may not exceed the value of $800 and the total bingo prize payouts may not exceed $5,000 during the special bingo session. At least 30 days must elapse between the conclusion of one special bingo session and the beginning of the next special bingo session. Before the start of a special bingo session, the operator shall submit to the department an application for a special bingo session event permit. The application must be accompanied by a $10 fee, which the department shall retain for administrative purposes. An exempt charitable organization under 23-5-406 that offers live bingo activities is not eligible for a special bingo session event permit.

(8) Any bingo card other than a standard card with 5 columns and 25 squares with 1 number appearing in each square or any card that allows the player to print numbers on the card must be approved by the department prior to being offered for play.

(9) An exempt charitable organization under 23-5-406 that conducts live bingo activities at a place other than its main premises or place of operations:

(a) is not limited to a maximum per-session prize payout limit;

(b) may not charge more than 50 cents for an individual bingo card; and

(c) may not award a bingo prize that exceeds $100 in value.

~~(6)~~(10) If a licensed operator conducts a promotional game of chance involving bingo or keno, the value of the prize ~~limit provided for in subsection (1) applies to prizes~~ awarded as a result of the promotional game of chance may not exceed $100.

(11) It is unlawful to combine, in any manner, any bingo or keno games so as to increase the ultimate value of the prize. Bingo and keno prizes may be paid in either tangible personal property or cash or in any combination of tangible personal property and cash."

Section 3. Section 23-5-608, MCA, is amended to read:

"23-5-608. Limitation on amount of money played and value of prizes -- payment of credits in cash -- ticket voucher expiration -- rules. (1) A video gambling machine may not allow more than $2 to be played on a game or award free games or credits in excess of the following amounts:

(a) $800 a game for a video draw poker machine; and

(b) $800 a game for a video keno or bingo machine.

(2) A licensee shall pay in cash all credits owed to a player as shown on a valid ticket voucher.

(3) The department may establish by rule a reasonable time period during which a player shall present a valid ticket voucher to the licensee for payment before the voucher may be considered expired and invalid."

- END -

I hereby certify that the within bill,

HB 0127, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____ day

of _____, 2011.

_____

President of the Senate

Signed this _____ day

of _____, 2011.

HOUSE BILL NO. 127

INTRODUCED BY P. NOONAN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

AN ACT GENERALLY REVISING GAMBLING LAWS; REVISING BINGO LAWS; REVISING VIDEO GAMBLING MACHINE LAWS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 23-5-112, 23-5-412, AND 23-5-608, MCA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Elsie Arntzen, on January 18, 2011 at 8:00 AM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Elsie Arntzen, Chairman (R)
Rep. Tom Berry, Vice Chairman (R)
Rep. Chuck Hunter, Vice Chairman (D)
Rep. Carlie Boland (D)
Rep. Christy Clark (R)
Rep. Virginia Court (D)
Rep. Lila Walter Evans (R)
Rep. Timothy Furey (D)
Rep. Edward Greef (R)
Rep. Harry Klock (R)
Rep. Jonathan McNiven (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Matthew M. Rosendale Sr (R)
Rep. Daniel R. Salomon (R)
Rep. Sterling Small (R)
Rep. Cary Smith (R)
Rep. Carolyn Squires (D)
Rep. Gordon Vance (R)
Rep. Jeffery W. Welborn (R)

Members Excused: Rep. Michele Reinhart (D)

Members Absent: None

Staff Present: Bart Campbell, Legislative Branch
Sandra Sullivan, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 44, 1/13/2011; HB 46, 1/13/2011; HB 105, 1/13/2011; HB 127, 1/13/2011

HEARING ON HB 44

Opening Statement by Sponsor:
00:03:15 Rep. Brian Hoven (R), HD 24, opened the hearing on HB 44, Repeal Montana Capital Company Act.
00:03:58 Rep. Reinhart arrived.
00:03:58 Rep. Reichner retired.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:
00:05:35 Andy Pool, Department of Commerce

Questions from Committee Members and Responses: None

Closing by Sponsor:
00:05:56 Rep Hoven

EXECUTIVE ACTION ON HB 44

00:06:08 **Motion/Vote:** Rep. Berry moved that **HB 44 DO PASS**. Motion carried 20-0 by voice vote. Rep. Reichner was not present and did not vote.

HEARING ON HB 46

Opening Statement by Sponsor:
00:07:08 Rep. Pat Ingraham (R), HD 13, opened the hearing on HB 46, Revise and clarify the realty transfer act.
EXHIBIT(buh13a01)

Proponents' Testimony:
00:16:35 Stuart Doggett, Montana Land Title Association

Opponents' Testimony:
00:17:57 Alan Peura, Department of Revenue, Deputy Director
EXHIBIT(buh13a02)

Informational Testimony: None

Questions from Committee Members and Responses:
00:26:19 Rep. Rosendale
00:27:04 Mr. Peura
00:27:23 Rep. Squires

00:27:58 Mr. Peura
00:29:04 Rep. Squires
00:29:33 Mr. Peura
00:31:01 Rep. Clark
00:31:17 Mr. Peura
00:32:39 Chairwoman Arntzen
00:33:00 Rep. Ingraham
00:33:47 Chairwoman Arntzen
00:34:00 Mr. Peura
00:34:21 Rep. Rosendale
00:34:58 Rep. Ingraham

Closing by Sponsor:
00:35:51 Rep. Ingraham

00:39:46 Chairwoman Arntzen
00:40:02 Recessed.
00:49:27 Resumed.

HEARING ON HB 105

Opening Statement by Sponsor:
00:50:16 Rep. Robyn Driscoll (D), HD 51, opened the hearing on HB 105, Provide Insur Comm authority to review and approve health insurance premiums.

Proponents' Testimony:
00:51:56 Jesse Laslovich, State Auditors Office
EXHIBIT(buh13a03)
EXHIBIT(buh13a04)
00:59:53 Frank Cody, Blue Cross Blue Shield
01:01:42 Tanya Ask, New West Health Services
EXHIBIT(buh13a05)
01:04:04 Susan Witte, Allegiance Life and Health
01:05:46 Dennis Lopach, America's Health Insurance Plans
01:07:28 Amanda Harrow, Montana Small Business Alliance
01:12:19 Erin McGawan Fincham, American Cancer Society, Cancer Action Network
01:15:02 Marilyn Lemm, American Association of Retired People (AARP) Montana
EXHIBIT(buh13a06)
01:17:16 Stacy Anderson, Planned Parenthood of Montana
01:18:16 Webb Brown, Montana Chamber of Commerce

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:20:07 Rep. Vance
01:20:14 Mr. Laslovich
01:20:28 Rep. Vance
01:20:41 Mr. Laslovich
01:21:00 Rep Vance

01:21:03 Mr. Laslovich
01:21:34 Rep. Furey
01:21:57 Mr. Laslovich
01:23:07 Rep. Furey
01:23:48 Mr. Laslovich
01:24:44 Rep. Smith
01:25:12 Mr. Laslovich
01:25:32 Rep. Smith
01:26:07 Mr. Laslovich
01:26:38 Rep. Smith
01:26:46 Mr. Laslovich
01:27:06 Chairwoman Arntzen
01:27:18 Mr. Cody
01:27:50 Rep. Smith
01:28:17 Mr. Cody
01:29:18 Rep. Smith
01:29:38 Mr. Cody
01:30:16 Vice Chairman Berry
01:31:06 Mr. Laslovich
01:32:18 Vice Chairman Berry
01:32:49 Mr. Laslovich
01:34:24 Vice Chairman Berry
01:34:47 Mr. Laslovich
01:35:27 Vice Chairman Berry
01:35:41 Rep. McNiven
01:36:22 Mr. Laslovich
01:36:49 Rep. McNiven
01:37:34 Mr. Laslovich
01:38:32 Rep. McNiven
01:38:34 Mr. Laslovich
01:38:40 Vice Chairman Hunter
01:39:21 Mr. Laslovich
01:39:26 Vice Chairman Hunter
01:39:47 Mr. Laslovich
01:40:12 Rep. Hunter
01:40:28 Mr. Laslovich
01:40:33 Vice Chairman Hunter
01:40:46 Mr. Laslovich
01:41:33 Rep. Reinhart
01:42:01 Mr. Laslovich
01:42:33 Rep. Reinhart
01:42:40 Mr. Laslovich
01:42:53 Rep. Reinhart
01:43:25 Mr. Laslovich
01:43:45 Rep. Reinhart
01:44:02 Mr. Laslovich
01:44:12 Rep. Reinhart
01:44:38 Mr. Laslovich
01:45:24 Rep. Reinhart
01:45:55 Mr. Cody

01:49:22 Rep. Reinhart
01:49:32 Mr. Cody
01:50:35 Rep. Smith
01:51:21 Mr. Laslovich
01:51:55 Rep. Smith
01:52:28 Mr. Cody
01:52:45 Rep. Smith
01:52:58 Mr. Cody
01:53:23 Rep. Squires
01:54:00 Mr. Cody
01:54:15 Rep. Squires
01:54:24 Mr. Cody
01:54:28 Rep. Squires
01:56:20 Mr. Cody
01:56:35 Rep. Squires
01:58:10 Mr. Cody
02:00:16 Rep. Squires
02:01:23 Mr. Cody
02:02:21 Vice Chairman Berry
02:02:39 Mr. Cody

Closing by Sponsor:
02:03:20 Rep. Driscoll

02:05:07 Chairwoman Arntzen
02:05:45 Recessed.
02:21:29 Resumed.

HEARING ON HB 127

Opening Statement by Sponsor:
02:21:42 Rep. Pat Noonan (D), HD 73, opened the hearing on HB 127, Generally revise gambling laws.
EXHIBIT(buh13a07)
EXHIBIT(buh13a08)

Proponents' Testimony:
02:27:51 Rick Ask, Department of Justice, Gambling Control Division
02:29:08 Neil Peterson, Gaming Industry Association of Montana
02:30:25 Mark Ehli, Big B Bingo
02:31:44 Ronda Wiggers, Montana Coin Machine Operators

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
02:33:55 Chairwoman Arntzen
02:34:11 Mr. Ask
02:34:25 Chairwoman Arntzen
02:34:34 Mr. Ask

Closing by Sponsor:
02:35:57 Rep. Noonan

02:37:08 Chairwoman Arntzen
02:37:27 Rep. Noonan
02:37:35 Chairwoman Arntzen
02:37:53 Rep. Squires

EXECUTIVE ACTION ON HB 127

02:38:08 **Motion/Vote:** Rep. Noonan moved that **HB 127 DO PASS**. Motion carried unanimously by voice vote. Rep. Reichner voted by proxy.

ADJOURNMENT

10:38:50 Adjournment

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Sandra Sullivan, Secretary

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Additional Documents:

EXHIBIT(buh13aad.pdf)

EXHIBIT 7
DATE 1/18/2011
HB 127

DEPARTMENT OF JUSTICE
HB 127: General Revision of Gambling Laws

Background

The Gaming Advisory Council is made up of nine members who represent the legislature, the gaming industry, local government, Native Americans and the general public. State law charges the Council with reporting its recommendations for changes in gambling statutes to the legislature. Over the past two years, the Gaming Advisory Council has developed recommendations for the statutory changes contained in HB 127.

Recommendations Identified by the Gaming Advisory Council

1. **Create an expiration or "stale date" for winning video gambling machine tickets.** Montana law currently requires that all valid video gambling machine ticket vouchers (win tickets) be paid by the licensed operator of the machine, regardless of how old the win ticket is.

   When someone finds an old win ticket and tries to redeem it months after it was printed from a video gambling machine, it creates a number of problems for the business operator and the Gambling Control Division.

   - Since most operators don't keep older machine records on site, it can be difficult for an operator to determine the validity of an old win ticket.
   - If the operator refuses to pay the win ticket, the player generally complains to the Gambling Control Division.
   - When the Division gets a complaint, it is required to send division staff to conduct an investigation, regardless of where the operator is located or the value of the ticket. For example, the Division may have to send an investigator all the way from Glendive to Sidney to investigate a complaint, which typically involves vouchers valued at between $5 and $20.
   - The result in most of these cases is that the Division requires the operator to attempt to find the record and pay the player the win ticket's value, and the Division issues a violation to the operator for failure to pay a valid win ticket.

   Based on the Council's recommendation, HB 127 would amend Section 23-5-608, MCA, to allow the Gambling Control Division to set a ticket voucher "stale date" by administrative rule. Beyond this date, the ticket would no longer be deemed valid.

2. **Clarify that the four levels of gambling licensees may buy and sell video gambling machines from and to each other.**

   The Gambling Control Division interprets Section 23-5-112, MCA, to allow different levels of licensees – manufacturers, distributors, route operators and operators – to buy and sell machines to each other. HB 127 would state this authority clearly by amending Section 23-5-112 (12), (28) and (37) MCA.

--over--

3. Update Bingo Laws

The Council heard testimony from live bingo operators concerned about the viability of their games. Operators expressed concern that it has become increasingly difficult for them to compete against video gambling machine play and tribal bingo games.

- Live bingo game – maximum payout is $100 per card
- Video poker, bingo or keno gambling machines – maximum payout is $800 per card or hand

Based on these concerns, the Council recommends the following additions and amendments to Sections 23-5-112(7) and 23-5-412, MCA:

- allowing an $800 payout in a live bingo game.
- establishing a maximum $3,000 payout limit per bingo session, with limited exceptions. This would be comparable to the total payout amounts authorized under current law based upon the number of games offered in normal play by the bingo operators.
- authorizing the use of break-open bingo cards for use in a variation of bingo in which the player "breaks" open a card to reveal a hidden bingo card that is then compared against pre-drawn numbers.

EXHIBIT 8
DATE 1/18/11
HB 127

Department of Justice
House Bill 127: General Revision of Gaming Laws

Addition to bingo changes

- **Increase the maximum allowable bet on a bingo card from $.50 to $1.00. By comparison the maximum allowable wager on a video bingo, keno or poker machine is $2.**

MINUTES

MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on February 10, 2011 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 63, 2/3/2011; HB 127, 2/3/2011; HB 94, 2/3/2011

00:01:01 Chairman Balyeat
00:01:45 Vice Chair Jackson took over as Chair

HEARING ON HB 63

Opening Statement by Sponsor:

00:02:35 Rep. Pat Noonan (D), HD 73, opened the hearing on HB 63, Revise liquor laws related to nonprofits and protest.

00:05:07 Sen. Stewart-Peregoy arrived
00:05:09 Sen. Steinbeisser arrived

Proponents' Testimony:

00:06:14 Shauna Helfert, Department of Revenue (DOR), Administrator, Liquor Control Bureau
00:09:45 Holly Franz, Montana Society of Certified Public Accountants

Opponents' Testimony: None

Informational Testimony:

00:10:58 Howard Heffelfinger, Hearing Examiner, DOR

Questions from Committee Members and Responses:

00:11:46 Sen. Moore
00:13:57 Ms. Helfert, DOR
00:14:01 Sen. Mowbray
00:14:55 Ms. Helfert
00:15:28 Sen. Facey
00:15:42 Mr. Heffelfinger
00:16:24 Sen. Facey
00:16:32 Ms. Helfert

Closing by Sponsor:

00:17:13 Rep. Noonan

HEARING ON HB 127

Opening Statement by Sponsor:

00:18:39 Rep. Pat Noonan (D), HD 73, opened the hearing on HB 127, Generally revise gambling laws.

EXHIBIT(bus33a01)
EXHIBIT(bus33a02)

Proponents' Testimony:

00:23:17 Rick Ask, Division Administrator, Gambling Control Division, Department of Justice (DOJ)
00:24:55 Neil Peterson, Montana Gaming Industry Association (MGIA)
00:25:17 Ronda Wiggers, Montana Coin Machine Operators Association (MCMOA)
00:26:34 Mark Ehli, Big B Bingo owner, Billings

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:55 Sen. Mowbray
00:28:35 Ms. Wiggers, MCMOA
00:28:47 Sen. Tropila
00:29:12 Mr. Ehli, Big B Bingo
00:30:14 Sen. Tropila
00:30:36 Mr. Ask, DOJ
00:31:03 Sen. Facey
00:31:33 Mr. Peterson, MGIA
00:32:37 Vice Chair Jackson
00:32:43 Rep. Noonan

Closing by Sponsor:

00:33:14 Rep. Noonan

00:35:45 Vice Chair Jackson

00:36:40 Recess
00:38:45 Resume

HEARING ON HB 94

Opening Statement by Sponsor:

00:39:12 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 94, Revise professional and occupational licensing laws.
EXHIBIT(bus33a03)

Proponents' Testimony:

00:42:32 Jack Kane, Administrator, Business Standards Division, Department of Labor and Industry (DOLI)
01:00:58 Jennifer James, American Institute of Architects (AIA)
01:01:28 Paul Sims, Oral Surgeon, Butte
EXHIBIT(bus33a04)
EXHIBIT(bus33a05)

01:03:34 Terry Klise, Dentist, Dental Anesthesiologist
01:04:37 Darlene Battaiole, Cosmetologist School owner
01:09:41 Paul Sims, Oral Surgeon, Butte (additional information)
EXHIBIT(bus33a06)
EXHIBIT(bus33a07)

Opponents' Testimony:

01:10:19 Gabriel Kristal, Montana Nursing Association (MNA)

Informational Testimony:

01:12:11 Margaret Morgan, Montana Association of Nurse Anesthesiologists (MANA)
01:15:43 Dr. Klise, Dentist
01:16:10 Sen. Facey voiced objection to Dr. Klise giving additional testimony at this time
01:16:28 Vice Chair Jackson

Questions from Committee Members and Responses:

01:16:33 Sen. Facey
01:19:28 Ms. Battaiole, Cosmetologist
01:20:47 Sen. Facey
01:21:53 Dr. Klise

01:22:21 Sen. Windy Boy arrived.

01:23:21 Sen. Facey
01:25:13 Mr. Kristal, MNA
01:26:17 Sen. Facey
01:26:34 Ms. Morgan, MANA
01:28:40 Sen. Facey
01:28:43 Dr. Klise
01:31:22 Sen. Windy Boy
01:31:52 Rep. Arntzen, redirect, without objection
01:33:38 Ms. Battaiole
01:34:22 Sen. Mowbray
01:38:27 Mr. Kane, DOLI
01:38:43 Sen. Facey
01:40:31 Mr. Kane
01:42:04 Sen. Stewart-Peregoy
01:44:01 Mr. Kane

Closing by Sponsor:

01:45:11 Rep. Arntzen

Other Business:

01:47:26 Vice Chair Jackson
01:48:34 Rep. Arntzen
01:48:39 Vice Chair Jackson
01:48:56 Sen. Facey
01:49:22 Vice Chair Jackson
01:49:30 Sen. Windy Boy
01:49:35 Vice Chair Jackson

ADJOURNMENT

Adjournment: 10:50 A.M.

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Linda Keim, Secretary

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Additional Documents:

EXHIBIT(bus33aad.pdf)

BUSINESS & LABOR
EXHIBIT NO. 1
DATE 2-10-11
BILL NO. HB127

DEPARTMENT OF JUSTICE
HB 127: General Revision of Gambling Laws

Background

The Gaming Advisory Council is made up of nine members who represent the legislature, the gaming industry, local government, Native Americans and the general public. State law charges the Council with reporting its recommendations for changes in gambling statutes to the legislature. Over the past two years, the Gaming Advisory Council has developed recommendations for the statutory changes contained in HB 127.

Recommendations Identified by the Gaming Advisory Council

1. **Create an expiration or "stale date" for winning video gambling machine tickets.**
   Montana law currently requires that all valid video gambling machine ticket vouchers (win tickets) be paid by the licensed operator of the machine, regardless of how old the win ticket is.

   When someone finds an old win ticket and tries to redeem it months after it was printed from a video gambling machine, it creates a number of problems for the business operator and the Gambling Control Division.
   - Since most operators don't keep older machine records on site, it can be difficult for an operator to determine the validity of an old win ticket.
   - If the operator refuses to pay the win ticket, the player generally complains to the Gambling Control Division.
   - When the Division gets a complaint, it is required to send division staff to conduct an investigation, regardless of where the operator is located or the value of the ticket. For example, the Division may have to send an investigator all the way from Glendive to Sidney to investigate a complaint, which typically involves vouchers valued at between $5 and $20.
   - The result in most of these cases is that the Division requires the operator to attempt to find the record and pay the player the win ticket's value, and the Division issues a violation to the operator for failure to pay a valid win ticket.

   Based on the Council's recommendation, HB 127 would amend Section 23-5-608, MCA, to allow the Gambling Control Division to set a ticket voucher "stale date" by administrative rule. Beyond this date, the ticket would no longer be deemed valid.

2. **Clarify that the four levels of gambling licensees may buy and sell video gambling machines from and to each other.**

   The Gambling Control Division interprets Section 23-5-112, MCA, to allow different levels of licensees – manufacturers, distributors, route operators and operators – to buy and sell machines to each other. HB 127 would state this authority clearly by amending Section 23-5-112 (12), (28) and (37) MCA.

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3. Update Bingo Laws

The Council heard testimony from live bingo operators concerned about the viability of their games. Operators expressed concern that it has become increasingly difficult for them to compete against video gambling machine play and tribal bingo games.

- Live bingo game – maximum payout is $100 per card
- Video poker, bingo or keno gambling machines – maximum payout is $800 per card or hand

Based on these concerns, the Council recommends the following additions and amendments to Sections 23-5-112(7) and 23-5-412, MCA:

- allowing an $800 payout in a live bingo game.
- establishing a maximum $3,000 payout limit per bingo session, with limited exceptions. This would be comparable to the total payout amounts authorized under current law based upon the number of games offered in normal play by the bingo operators.
- authorizing the use of break-open bingo cards for use in a variation of bingo in which the player "breaks" open a card to reveal a hidden bingo card that is then compared against pre-drawn numbers.

BUSINESS & LABOR
EXHIBIT NO. 2
DATE 2-10-11
BILL NO. HB 127

Department of Justice
House Bill 127: General Revision of Gaming Laws

Addition to bingo changes

- Increase the maximum allowable bet on a bingo card from $.50 to $1.00. By comparison the maximum allowable wager on a video bingo, keno or poker machine is $2.